

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives

225 N. Roberts

Helena MT 59620-1201

2015 Legislative

E-Document Specialist Susie Hamilton

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION**

HOUSE STATE ADMINISTRATION COMMITTEE

Date: Tuesday, February 3, 2015
Place: Capitol

Time: 8:00 AM
Room: 455

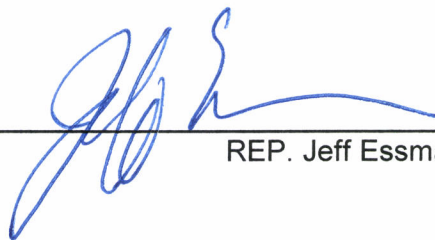
BILLS and RESOLUTIONS HEARD:

HB 342 - Allow for electronic address confirmation for biennial absentee ballot list - Rep. Bryce Bennett

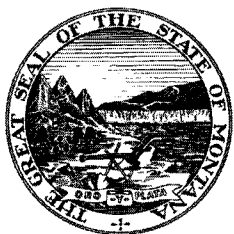
EXECUTIVE ACTION TAKEN:

HB 123	Do pass as amended
HB 48	Tabled
HB 251	Do pass as amended

Comments:



REP. Jeff Essmann, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE: Tues. Feb 3, 2015

NAME	PRESENT	ABSENT/EXCUSED
REP. BILL HARRIS, VICE CHAIRMAN	✓	
REP. CASEY SCHREINER, VICE CHAIRMAN	✓	
REP. BRYCE BENNETT	✓	
REP. BOB BROWN	✓	
REP. MOFFIE FUNK	✓	
REP. FRANK GARNER	✓	
REP. EDWARD GREEF	✓	
REP. DENISE HAYMAN	✓	
REP. JESSICA KARJALA		✓ - exc.
REP. AUSTIN KNUDSEN		✓ - exc.
REP. DEBRA LAMM	✓	
REP. FORREST MANDEVILLE	✓	
REP. WENDY MCKAMEY	✓	
REP. DALE MORTENSEN	✓	
REP. JEAN PRICE	✓	
REP. RAY SHAW	✓	
REP. KATHY SWANSON	✓	
REP. SUSAN WEBBER	✓	
REP. ART WITTICH	✓	
REP. JEFF ESSMANN, CHAIRMAN	✓	

20 MEMBERS



HOUSE STANDING COMMITTEE REPORT

February 3, 2015

Page 1 of 6

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 123** (first reading copy -- white) **do pass as amended.**

Signed: _____

Representative Jeff Essmann, Chair

And, that such amendments read:

1. Title, page 1, line 7.

Strike: "PRIVACY"

Insert: "SAFETY"

2. Title, page 1, line 20.

Following: "SECTIONS"

Insert: "2-3-212, 2-3-221,"

3. Page 2, line 19.

Following: "city-county,"

Insert: "special district,"

4. Page 2, line 23.

Following: "including a"

Strike: "municipality" through "district,"

Insert: "local government"

5. Page 2, line 25 through line 26.

Following: "means information" on line 25

Strike: ", regardless" on line 25 through "agency" on line 26

Insert: "prepared, owned, used, or retained by any public agency
relating to the transaction of official business, regardless

Committee Vote:

Yes 19, No 1

Fiscal Note Required X

HB0123002SC.hbb

u
2/3/15
2:45

of form, except for confidential information that must be protected against public disclosure under applicable law"

6. Page 3, line 7.

Strike: "privacy"

Insert: "safety"

Following: "exceptions"

Insert: "-- Montana historical society exception"

7. Page 3, line 8.

Strike: "Every"

Insert: "Except as provided in subsections (2) and (3), every"

8. Page 3, line 8 through line 10.

Strike: ", except for" on line 8 through "statute" on line 10

9. Page 3, line 11.

Strike: "individual privacy or"

10. Page 3, line 13.

Strike: "may jeopardize"

Insert: "jeopardizes"

11. Page 3, line 14 through line 16.

Strike: "Security features" on line 14 through "and locations." on line 16

12. Page 3, line 17 through line 18.

Strike: "an individual" on line 17 through "security interest" on line 18

Insert: "individual or public safety or the security of public facilities"

13. Page 3, line 19 through line 21.

Strike: subsection (3) in its entirety

Insert: "(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records will be made accessible to the public."

14. Page 3, line 27 through line 28.

Strike: "with an estimate" on line 27 through "subsection (3)." on line 28

Insert: "by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3)"

15. Page 3, line 29.

Strike: "The"

Insert: "Except where a fee is otherwise provided for by law, the"

16. Page 4, line 1.

Following: "information."

Insert: "The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information."

17. Page 4.

Following: line 1

Insert: "(4) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties."

18. Page 5, line 10.

Strike: "state"

Insert: "public agency possessing the records"

19. Page 5, line 19.

Strike: "plaintiff"

Insert: "prevailing party"

20. Page 5, line 20.

Following: "constitutional"

Insert: "or statutory"

21. Page 5, line 25.

Strike: "plaintiff"

Insert: "person whose original information request was denied"

Strike: "plaintiff's"

Insert: "person's"

22. Page 5, line 26.

Following: "constitution"

Insert: "or under the provisions of [sections 1 through 24]"

Strike: "may"

Insert: "must"

23. Page 5, line 29.

Following: "officer records"

Insert: "-- exception"

24. Page 6.

Following: line 6

Insert: "(4) Pursuant to 2-15-403, this section does not apply to certified copies provided by the secretary of state for information contained in the secretary of state's corporate and uniform commercial code electronic filing system."

25. Page 7, line 9 through line 11.

Strike: "a corporate information list" on line 9 through "in this state" on line 11

Insert: "the secretary of state's electronic filing system developed pursuant to 2-15-404 and containing corporate and uniform commercial code information"

26. Page 7, line 16.

Following: line 16

Insert: "(9) This section does not apply to lists of individuals who sign attendance sheets or sign-in sheets at a hearing or meeting of a public agency."

Renumber: subsequent subsections

27. Page 19, line 10.

Strike: "books" through "papers"

Insert: "documents"

28. Page 19, line 19 through line 25.

Strike: subsections (4) through (6) in their entirety

29. Page 19, line 27 through page 20, line 5.

Strike: Section 29 in its entirety

Renumber: subsequent sections

30. Page 20, line 6.

Insert: "Section 29. Section 2-3-212, MCA, is amended to read:

"2-3-212. Minutes of meetings -- public inspection. (1)
Appropriate minutes of all meetings required by 2-3-203 to be open must be kept and must be available for inspection by the public. If an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting. If an official recording is made, a written record of the meeting must also be made and must include the information specified in subsection (2).

(2) Minutes must include without limitation:

(a) the date, time, and place of the meeting;

(b) a list of the individual members of the public body, agency, or organization who were in attendance;

(c) the substance of all matters proposed, discussed, or decided; and

(d) at the request of any member, a record of votes by individual members for any votes taken.

(3) If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

(4) Any time a presiding officer closes a public meeting pursuant to 2-3-203, the presiding officer shall ensure that accurate and appropriate minutes are kept of the closed portion of the meeting. The minutes from the closed portion of the meeting may not be made available for inspection except pursuant to a court order."

Insert: "Section 30. Section 2-3-221 is amended to read:

"2-3-221. Costs to plaintiff prevailing party in certain actions to enforce constitutional right to know. A plaintiff person who alleges a violation and who prevails in an action brought in district court to enforce the plaintiff's rights under Article II, section 9, of the Montana constitution ~~may~~ must be awarded costs and reasonable attorney fees."

Renumber: subsequent sections

31. Page 42, line 30.

Strike: "[Sections 28 and 29] are"

Insert: "[Section 28] is"

32. Page 43, line 1.

Strike: "[sections 28 and 29]"

Insert: "[section 28]"

33. Page 43, line 2.

Insert: "NEW SECTION. **Section 61. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

- END -



HOUSE STANDING COMMITTEE REPORT

February 3, 2015

Page 1 of 2

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 251** (first reading copy -- white) **do pass as amended.**

Signed: _____

Representative Jeff Essmann, Chair

And, that such amendments read:

1. Title, line 5.

Following: "SECTIONS"

Insert: "2-2-302,"

Following: "2-18-303"

Insert: ", "

2. Page 1, line 23.

Following: "contribution"

Insert: "unless an employer contribution is required by applicable federal law"

3. Page 1, line 24.

Insert: "Section 2. Section 2-2-302, MCA, is amended to read:

"2-2-302. Appointment of relative to office of trust or emolument unlawful -- exceptions -- publication of notice. (1) Except as provided in subsection (2), it is unlawful for a person or member of any board, bureau, or commission or employee at the head of a department of this state or any political subdivision of this state to appoint to any position of trust or emolument any person related or connected by consanguinity within the fourth degree or by affinity within the second degree.

(2) The provisions of 2-2-303 and this section do not apply to:

(a) a sheriff in the appointment of a person as a cook or an attendant;

(b) school district trustees if all the trustees, with the exception of any trustee who is related to the person being

Committee Vote:

Yes 19, No 1

Fiscal Note Required X

HB0251001SC.hbb

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appointed and who must abstain from voting for the appointment, approve the appointment of a person related to a trustee;

(c) a school district in the employment of a person as a substitute teacher who is not employed as a substitute teacher for more than 30 consecutive school days as defined by the trustees in 20-1-302;

(d) the renewal of an employment contract of a person who was initially hired before the member of the board, bureau, or commission or the department head to whom the person is related assumed the duties of the office;

(e) the employment of election judges;

(f) the employment of pages or temporary session staff by the legislature; or

(g) county commissioners of a county with a population of less than 10,000 if all the commissioners, with the exception of any commissioner who is related to the person being appointed and who must abstain from voting for the appointment, approve the appointment of a person related to a commissioner.

(3) The provisions of 2-2-303 and this section apply to a temporary legislative aide provided for in [section 1].

~~(3)~~(4) Prior to the appointment of a person referred to in subsection (2)(b) or (2)(g), written notice of the time and place for the intended action must be published at least 15 days prior to the intended action in a newspaper of general circulation in the county in which the school district is located or the county office or position is located.""

Renumber: subsequent sections

- END -

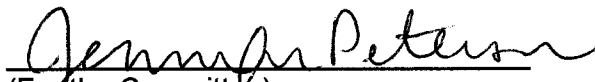
BILL TABLED NOTICE


HOUSE STATE ADMINISTRATION COMMITTEE

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED

HB 48 - Establish on-line voter registration - Rep. Geraldine Custer

by motion, on **Tuesday, February 3, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).


(For the Committee)


(For the Chief Clerk of the House)
4:30 , 2/4
(Time) (Date)

February 4, 2015 (4:17pm)

Jennifer Petersen, Secretary

Phone: 444-4666



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

STATE ADMIN. COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 48

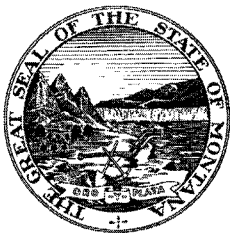
DATE 2/3/15

MOTION Do pass

NAME	AYE	NO	PROXY
REP. BILL HARRIS, VICE CHAIRMAN		✓	1
REP. CASEY SCHREINER, VICE CHAIRMAN	✓		
REP. BRYCE BENNETT	2 ✓		
REP. MOFFIE FUNK	3 ✓		
REP. DENISE HAYMAN	4 ✓		
REP. JESSICA KARJALA	5 ✓		✓
REP. JEAN PRICE	6 ✓		
REP. KATHY SWANSON	7 ✓		
REP. SUSAN WEBBER	8 ✓		
REP. AUSTIN KNUDSEN		✓	2 ✓
REP. BOB BROWN	10	✓	3
REP. EDWARD GREEF		✓	4
REP. FRANK GARNER*	9 ✓		
REP. DEBRA LAMM*		✓	5
REP. FORREST MANDEVILLE		✓	6
REP. WENDY MCKAMEY		✓	7
REP. DALE MORTENSEN		✓	8
REP. ART WITTICH		✓	9
REP. RAY SHAW	10 ✓		
REP. JEFF ESSMANN, CHAIRMAN		✓	10

10 - 10

20 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

STATE ADMIN. COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 48

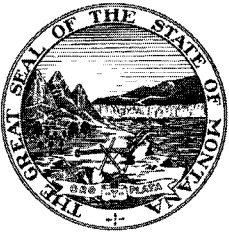
DATE 8/3/15

MOTION to table HB 48

NAME	AYE	NO	PROXY
REP. BILL HARRIS, VICE CHAIRMAN	1 ✓		
REP. CASEY SCHREINER, VICE CHAIRMAN		✓	1
REP. BRYCE BENNETT		✓	2
REP. MOFFIE FUNK		✓	3
REP. DENISE HAYMAN		✓	4
REP. JESSICA KARJALA		✓	5 ✓
REP. JEAN PRICE		✓	6
REP. KATHY SWANSON		✓	7
REP. SUSAN WEBBER		✓	8
REP. AUSTIN KNUDSEN	2 ✓		✓
REP. BOB BROWN	3 ✓		
REP. EDWARD GREEF	4 ✓		
REP. FRANK GARNER*	5 ✓		
REP. DEBRA LAMM*	6 ✓		
REP. FORREST MANDEVILLE	7 ✓		
REP. WENDY MCKAMEY		✓	9
REP. DALE MORTENSEN	8 ✓		
REP. ART WITTICH	9 ✓		
REP. RAY SHAW	10 ✓		
REP. JEFF ESSMANN, CHAIRMAN	11 ✓		

11 - 9

20 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

STATE ADMIN. COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 123

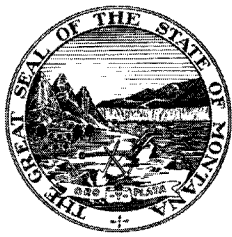
DATE 2/3/15

MOTION to amend HB 123 - hb012313.als

NAME	AYE	NO	PROXY
REP. BILL HARRIS, VICE CHAIRMAN	1 ✓		
REP. CASEY SCHREINER, VICE CHAIRMAN	2 ✓		
REP. BRYCE BENNETT	3 ✓		
REP. MOFFIE FUNK	4 ✓		
REP. DENISE HAYMAN		✓	1
REP. JESSICA KARJALA		✓	2 ✓
REP. JEAN PRICE	5 ✓		
REP. KATHY SWANSON	6 ✓		
REP. SUSAN WEBBER	7 ✓		
REP. AUSTIN KNUDSEN	8 ✓		✓
REP. BOB BROWN	9 ✓		
REP. EDWARD GREEF	10 ✓		
REP. FRANK GARNER*	11 ✓		
REP. DEBRA LAMM*	12 ✓		
REP. FORREST MANDEVILLE	13 ✓		
REP. WENDY MCKAMEY	14 ✓		
REP. DALE MORTENSEN	15 ✓		
REP. ART WITTICH	16 ✓		
REP. RAY SHAW	17 ✓		
REP. JEFF ESSMANN, CHAIRMAN	18 ✓		

18-2

20 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

STATE ADMIN. COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 251

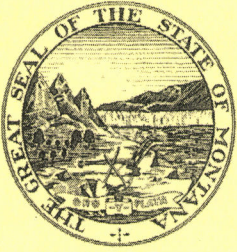
DATE 2/3/15

MOTION to amend HB 251 - hb025101.asb

NAME	AYE	NO	PROXY
REP. BILL HARRIS, VICE CHAIRMAN		✓	
REP. CASEY SCHREINER, VICE CHAIRMAN	✓		1
REP. BRYCE BENNETT	2 ✓		
REP. MOFFIE FUNK	3 ✓		
REP. DENISE HAYMAN	4 ✓		
REP. JESSICA KARJALA	5 ✓		✓
REP. JEAN PRICE	6 ✓		
REP. KATHY SWANSON	7 ✓		
REP. SUSAN WEBBER	8 ✓		
REP. AUSTIN KNUDSEN		✓	2 ✓
REP. BOB BROWN		✓	3
REP. EDWARD GREEF		✓	4
REP. FRANK GARNER*		✓	5
REP. DEBRA LAMM*		✓	6
REP. FORREST MANDEVILLE		✓	7
REP. WENDY MCKAMEY		✓	8
REP. DALE MORTENSEN		✓	9
REP. ART WITTICH		✓	10
REP. RAY SHAW		✓	11
REP. JEFF ESSMANN, CHAIRMAN		✓	12

8-12

20 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the

State Administration

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Casey Schriener

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

BILL/AMENDMENT

AYE

NO

HB 123		
HB012301.ALS	X	
HB012302.ALS	X	
HB012303.ALS	X	
HB012304.ALS	X	
HB012306.ALS	X	
HB012308.ALS	X	
HB012309.ALS	X	
HB012310.ALS	X	
HB012311.ALS		
HB012316.ALS	X	
HB012313.ALS		X
Conceptual Amendment	X	
HB 123 as Amended	X	

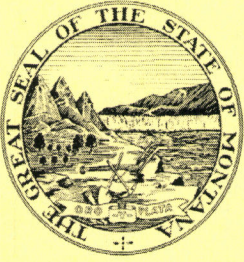
HB 48	X	
Table HB 48		X
HB025102.ASB	X	
HB025101.ASC	X	
HB025101.ASB	X	
HB025102.ASC	X	
HB 251 as Amended	X	
HB 251 as Amended		

Rep.

Jim Koyala
(Signature)

Date

2/3/2015



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House State Admin

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Harris

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

HB012301. ALS	✓	
HB012302. ALS	✓	
HB012303. ALS	✓	
HB012304. ALS	✓	
HB012306. ALS	✓	
HB012308. ALS	✓	
HB012309. ALS	✓	
HB012310. ALS	✓	
HB012316. ALS	✓	
HB012313. ALS	✓	
Conceptual amendment	✓	
HB 123 as amended	✓	

BILL/AMENDMENT AYE NO

HB 48		✓
to table HB 48	✓	
HB 25/ as amended	✓	
HB025102ASB	✓	
HB025101ASC	✓	
HB025101ASB		✓
HB025102ASC	✓	

Rep.

(Signature)

Date

1/15/15

MONTANA House of Representatives Visitors Register

Tuesday, February 3, 2015

HB 342 - Allow for electronic address confirmation for biennial absentee ballot list

Sponsor: Rep. Bryce Bennett

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.



The Big Sky

ADDITIONAL

MONTANA HOUSE OF REPRESENTATIVES

**ADDITIONAL
DOCUMENTS**

SPONSOR'S REBUTTAL TO FISCAL NOTE

House Bill Number: 170 Date Prepared: 1-14-15

Short Title: Revise police retirement

Sponsor: Rep. Doc Moore

Generally, why do you disagree with the fiscal note?

*we have a acutary table
to show cost saving*

Specifically, what in the fiscal not do you feel is flawed?

(Describe specific assumptions, calculations, technical issues, etc.)

*NOT Based on
Acutaval tables*

What is your estimate of the fiscal impact?

See Attached Sheet

Sponsor Signature: *Doc Moore*

HB 170

Response to HB 170 Fiscal Note

Fiscal note page 3 No. 13 - it is very difficult to understand where the anticipated increase would be 19.9%. The data collected from the cities and used by the actuary is in dispute.

Fiscal note page 3 - No. 15 - FY 2015 projected payroll \$47,107,859 is a 5.97% increase over FY 2014. The assumed rate of return is 4% and therefore the projected payroll should be \$46,231,957.

HB 170 fiscal note projected increase is 19.9% or \$9,394,191.

Actual numbers reported by the Cities to MPERA for 2013 shows an increase of \$6,737,082, which includes all Comp, Sick and Vacation payouts along with Maintenance/Allowances and Bonuses, which are not allowed by law.

The Vacation, Comp and Sick show the value if everyone eligible was to retire. The fact is, about 20% may retire. A high estimate would be 50%.

The total overall impact using the 4% assumed rate for salary increase, and the actual numbers reported by the Cities for 2013, less the Maintenance/Allowances and Bonuses:

4% Salary Increase - $\$1,778,152 + \$44,453,805 = \$46,231,957$

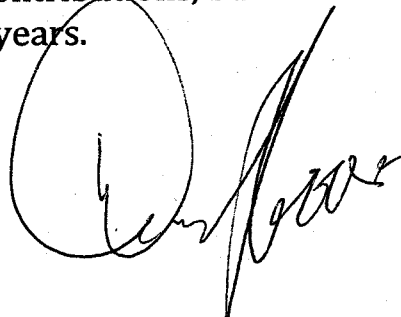
2013 City Reports - $\$6,554,882 + 46,231,957 = \$52,786,839$

The impact to the General Fund due to HB 170 is \$1,925,169.

Using a more realistic number of 50% of the Comp, Sick, and Vacation leave of \$1,480,239 rather than \$2,960,478 the **impact to the General Fund of HB 170 would be $\$5,074,643 \times .2937 = \$1,490,423$.**

The dollar figure for the numbers in items 16-22 would all have to be reduced.

All members, employers, and the state beginning July 1, 2015 will make increased contributions, but the full implementation of HB 170 will not occur for 3 years.

 1-16-15